

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY TYRON ROBERTSON,)
Petitioner,) Case No. 2:12-cv-1080-SJM-SPB
v.)
ALLEGHENY COUNTY COURT OF)
COMMON PLEAS, *et al.*,)
Respondent.)

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on July 13, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on August 22, 2012 [2], recommends that the instant petition for writ of habeas corpus be summarily dismissed without service pursuant to 28 U.S.C. §2243 and Rule 4 of the Rules Governing Section 2254 Cases¹ inasmuch as it plainly appears from the face of the petition that no habeas relief is warranted. Petitioner was allowed fourteen (14) days from the date of service in which to file objections. His objection [3] were filed on September 11, 2012. After de novo review of the petition and documents in the case, together with the Report and Recommendation and Petitioner's objections thereto, the following order is entered:

¹ Rule 4 applies to cases under 28 U.S.C. §2241 as well by virtue of Rule 1(b). See *Moncrieffe v. Yost*, 367 Fed. Appx. 286, 288 n.2 (3d Cir. 2010).

AND NOW, this 3rd Day of October, 2012;

IT IS ORDERED that the Petition for Writ of Habeas Corpus shall be, and hereby is, summarily DISMISSED without service.

The Report and Recommendation of Magistrate Judge Baxter, filed on August 22, 2012 [2], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter